

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

0969-0186PUS1

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/510976**

INTERNATIONAL APPLICATION NO.

PCT/JP03/04895

INTERNATIONAL FILING DATE

April 17, 2003

PRIORITY DATE CLAIMED

April 17, 2002

TITLE OF INVENTION

SURFACE EMISSION DEVICE

APPLICANT(S) FOR DO/EO/US

Toshio YAMAUCHI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not transmitted by the International Bureau). WO 03/088195
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  - a. ☒ is attached hereto.
  - b. ☐ has been submitted to the Internal Bureau (See Box VIII-4-1 of the Request (PCT/R0/101), **copy attached**).  
The Power of Attorney or Authorization of Agent and Certificate under 37 CFR 3.73(b) Showing Chain of Title are: ☐ attached hereto. ☐ will follow.
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449(s), and International Search Report (PCT/ISA/210) with 3 cited document(s).
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
Fifteen (15) sheets of Formal Drawings

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><div style="font-size: 2em; font-weight: bold; margin-left: 100px;">10/510976</div> |  | INTERNATIONAL APPLICATION NO<br>PCT/JP03/04895 |  | ATTORNEY'S DOCKET NUMBER<br>0969-0186PUS1 |  |
|---|--|--|--|---|--|

| 21. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):</b><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO<br>and International Search Report not prepared by the EPO or JPO. . . . . \$1,110.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to<br>USPTO but International Search Report prepared by the EPO or JPO . . . . \$950.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO<br>but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. . . . . \$790.00<br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>but all claims did not satisfy provisions of PCT Article 33(1)-(4). . . . . \$750.00<br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>and all claims satisfied provisions of PCT Article 33(1)-(4). . . . . \$100.00<br><div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div> | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">CALCULATIONS</th> <th style="text-align: left;">PTO USE ONLY</th> </tr> <tr> <td style="width:50%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td>\$ 950.00</td> <td></td> <td></td> </tr> </table> |              | CALCULATIONS |  | PTO USE ONLY |  |  |  | \$ 950.00 |  |  |
|---|---|--------------|--------------|--|--------------|--|--|--|-----------|--|--|
| CALCULATIONS  |   | PTO USE ONLY |              |  |              |  |  |  |           |  |  |
|   |   |              |              |  |              |  |  |  |           |  |  |
| \$ 950.00   |   |              |              |  |              |  |  |  |           |  |  |

|  |              |              |           |               |        |
|--|--------------|--------------|-----------|---------------|--------|
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).                           |              |              |           | \$            |        |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE      |               |        |
| Total Claims   | 6 - 20 =     | 0            | X \$18.00 | \$            |        |
| Independent Claims   | 1 - 3 =      | 0            | X \$88.00 | \$            |        |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |              | NO        | + \$300.00    | \$     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |              |           | \$            | 950.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. § 1.27. The fees indicated above are reduced by 1/2.                                      |              |              |           | \$            |        |
| <b>SUBTOTAL =</b>  |              |              |           | \$            | 950.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(f)).                 |              |              |           | \$            |        |
| <b>TOTAL NATIONAL FEE =</b>  |              |              |           | \$            | 950.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property |              |              |           | \$            | 40.00  |
| <b>TOTAL FEES ENCLOSED =</b>   |              |              |           | \$            | 990.00 |
|  |              |              |           | Amount to be: | \$     |
|  |              |              |           | refunded      | \$     |
|  |              |              |           | charged       | \$     |

a. ☒ A check in the amount of \$990.00 to cover the above fees is enclosed.

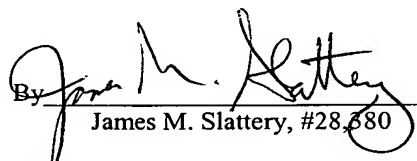
b. ☐ Please charge my Deposit Account. No. 02-2448 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 02-2448.

**NOTE:** Where an appropriate time limit under 37 C.F.R. § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:  
**Birch, Stewart, Kolasch & Birch, LLP** or Customer No. 02292  
 P.O. Box 747  
 Falls Church, VA 22040-0747  
 (703) 205-8000

Date: October 13, 2004

  
 By James M. Slattery, #28,680

/smt